

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Palmetto Pharmaceuticals LLC,)
)
Plaintiff,)
)
v.)
)
AstraZeneca Pharmaceuticals LP,)
)
Defendant.)
_____)

Civil Action No. 2:11-cv-807-SB-JDA

ORDER

Pursuant to the provisions of 28 U.S.C. § 636 and Local Civil Rule 73.02(C)(7), this Court referred the above-captioned matter to United States Magistrate Judge Jacquelyn D. Austin for preliminary review and pre-trial management. On January 4, 2012, Magistrate Judge Austin issued a report and recommendation ("R&R"), analyzing the Defendant's motions to dismiss and for failure to state a claim or, alternatively, summary judgment. In the R&R, Judge Austin recommended that the Court deem the Defendant's first motion to dismiss moot and grant in part and deny in part the Defendant's subsequent motion to dismiss. Specifically, with respect to the Defendant's subsequent motion, Magistrate Judge Austin recommended that the Court: (1) grant the motion as to the Plaintiff's claims of direct infringement under 35 U.S.C. § 271(a) and contributory infringement under 35 U.S.C. § 271(c) and (b); and (2) deny the motion as to the Plaintiff's claims of induced infringement under 35 U.S.C. § 271(b) and willful infringement.

Attached to the R&R was a notice advising the parties of the right to file specific, written objections to the R&R within 14 days of the date of service of the R&R. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the parties did not file any specific, written objections, there are no portions of the R&R to which the Court must conduct a de novo review. After consideration of this matter, therefore, it is hereby

ORDERED that the R&R (Entry 57) is adopted and specifically incorporated herein. It is further ordered that the Defendant's original motion to dismiss (Entry 14) is deemed moot, and the Defendant's subsequent motion to dismiss (Entry 41) is granted in part and denied in part in accordance with the Magistrate Judge's recommendations.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

February 13, 2012
Charleston, South Carolina

